

Notice of Allowability

Application No.

10/500,348

Examiner

Rosanne Kosson

Applicant(s)

PARK, SOON-DUCK

Art Unit

1653

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to an Examiner's amendment approved by Applicant on August 11, 2005.
2. ☒ The allowed claim(s) is/are 1-7, 9 and 11.
3. ☒ The drawings filed on 25 June 2004 are accepted by the Examiner.
4. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☒ None of the:
 1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date Sep. 3, 2004
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date _____.
7. ☒ Examiner's Amendment/Comment
8. ☐ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____.

EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

The application has been amended as follows.

The specification has been amended to read as follows.

Replace the paragraph on page 5, lines 10-15, with the following paragraph:

The present inventors analysed and identified the glucose consumption mode and the base sequence of 16S rRNA for the isolated *Lactobacillus* sp. strain and deposited the said microorganism with Korean Collection for Type Cultures, 52, Oun-dong, Yusong-ku, Taejon, Korea, an International Depository Authority under the Budapest Treaty, under Accession No. KCTC 10132BP, on Dec. 3 of 2001. Any restriction on the release of this strain to the public will be irrevocably removed upon the issuance of a patent.

The claims have been amended to read as follows.

1. A purified culture of *Lactobacillus paracasei* ~~*Lactobacillus paracasei*~~ viro-01 (KCTC 10132BP).

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2. Fermentation liquid comprising a purified culture of *Lactobacillus paracasei* ~~Lactobacillus paracasei~~ viro-01 (KCTC 10132BP).

3. A probiotic composition ~~Probiotics for preventing or treating~~ intestinal diseases of animals, comprising a purified culture of *Lactobacillus paracasei* ~~Lactobacillus paracasei~~ viro-01(KCTC 10132BP) or fermentation liquid thereof.

4. The probiotic composition ~~probiotics~~ of claim 3, wherein the said intestinal disease is infectious diarrhea caused by pathogenic microorganisms, gastroenteritis, inflammatory intestinal disease, neurological enteritis syndrome, overgrowth of small intestinal microorganisms and intestinal feeding diarrhea.

5. A feed additive ~~feed additive~~ comprising a purified culture of *Lactobacillus paracasei* ~~Lactobacillus paracasei~~ viro-01(KCTC 10132BP) or fermentation liquid thereof.

6. A deodorizing agent ~~deodorizing agent~~ comprising a purified culture of *Lactobacillus paracasei* ~~Lactobacillus paracasei~~ viro-01 (KCTC 10132BP) or fermentation liquid thereof.

7. A food composition ~~food composition~~ comprising a purified culture of *Lactobacillus paracasei* ~~Lactobacillus paracasei~~ viro-01(KCTC 10132BP) or fermentation liquid thereof.

8. (canceled)

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9. A method for preparing fermentation liquid of Lactobacillus paracasei ~~Lactobacillus~~

~~paracasei~~ viro-01(KCTC 10132BP) ~~The method of claim 8~~, comprising

(a) inoculating Lactobacillus paracasei ~~Lactobacillus paracasei~~ viro-01(KCTC 10132BP) into fruit juice; and

(b) anaerobically fermenting the Lactobacillus ~~them~~ at 15 to 45°C; and

(c) then fermenting the Lactobacillus ~~them~~ at 20 to 40°C with aeration until the pH ~~decreases to a acidity reached~~ value of 2.0 to 5.0.

10. (canceled)

11. (new) The method of claim 9, further comprising

(a) recovering the fermentation liquid produced after step (c) in claim 9;

(b) adding purified water to the remaining Lactobacillus paracasei viro-01(KCTC 10132BP) bacterial mass and precipitates to dilute them 1 to 10-fold;

(c) re-fermenting the bacterial mass and precipitates of step (b); and

(d) adding purified water to the re-fermented bacterial mass and precipitates of step (c) to dilute them 1 to 10-fold.

Authorization for this Examiner's Amendment was given by telephone by Applicant's agent, Mr. Michael Mercanti, on August 11, 2005.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany

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the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

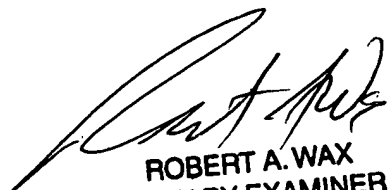
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Rosanne Kosson whose telephone number is 571-272-2923. The examiner can normally be reached on Monday-Friday, 8:30-6:00, with alternate Mondays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jon Weber can be reached on 571-272-0925. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Rosanne Kosson
Examiner
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rk/2005-08-11



ROBERT A. WAX
PRIMARY EXAMINER